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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/612,166 | 07/08/2000 | Holger Kunstle | U-Wp-5528 Wacker | 8687 |

7590

12/04/2001

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| EXAMINER |
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GALLAGHER, JOHN J

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| ART UNIT | PAPER NUMBER |
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1733

DATE MAILED: 12/04/2001

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/6,2166

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 - 10 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1 - 10 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically (a) claim 1 line 3 - "acetate" should apparently read "ester" i.e. as now presented, the former term is inconsistent with everything (1) but C₂ in line 10; and (2) in line 14, of this claim; and (b) claim 10 - a period is needed at the end of line 2.

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are further rejected under 35 U.S.C. § 103(a) as being unpatentable over any one of Midgley or Graham et al. or Yoshii et al., each in view of Mao et al.

Midgley (Abstract, column 1 lines 6-7, column 3 lines 30-49, 56-57 and 65-66, column 5 line 20 thru column 6 line 3, column 7 lines 33-38), Graham et al. (Abstract, column 4 lines 21-46, column 13 line 46 thru column 14 line 7) and Yoshii et al.

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(Abstract, column 1 lines 8-9, column 3 lines 31-35 and 63-67, column 4 lines 1-28, column 5 lines 19-40) all disclose ethylene-vinyl ester-carboxylic acid terpolymers which find utility as aqueous based adhesives.

Mao et al. disclose that it is known to improve aqueous adhesives of the type/most similar to those of the three primary references via the incorporation therein of a vinyl C₈-C₁₃ ester monomer (Abstract, column 1 lines 6-9, column 3 line 6 thru column 4 line 52), such that it would have been obvious to one of ordinary skill in this art to include this vinyl ester monomer of Mao et al. for its documented beneficial result/function in the aqueous adhesives of (any of) the three primary references.

4. Claims 9-10 are further rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshii et al. in view of Mao et al. N.B. column 5 lines 28-40 of Yoshii et al.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) 305-3599.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.


JJGallagher:cdc

November 19, 2001



JOHN J. GALLAGHER
PRIMARY EXAMINER
ART UNIT 191 1733